

Handwritten notes: #1, 3621, 9-12-2003, mel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR REINSTATEMENT OF APPEAL, AND SUBMISSION OF
SUPPLEMENTAL APPEAL BRIEF

APPELLANTS: Baum et al. CONFIRMATION NO. 4964
SERIAL NO.: 09/394,840 GROUP ART UNIT: 3621
FILED: September 13, 1999 EXAMINER: C. Sherr
TITLE: "METHOD FOR DATA INPUT INTO A SERVICE DEVICE AND
ARRANGEMENT FOR THE IMPLEMENTATION OF THE
METHOD"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED
SEP 09 2003
GROUP 3600

S I R:

In the June 5, 2003 Office Action, which was rendered after Appellants' Appeal Brief was filed on March 14, 2003, prosecution was reopened, and the previous rejection was withdrawn and a new rejection substituted.

In accordance with 37 C.F.R. § 1.93(b)(2), Applicants herewith request reinstatement of the appeal. Appellants' Supplemental Appeal Brief is submitted herewith, wherein the new rejection is addressed. The requisite fees for filing the Notice of Appeal and the Appeal Brief have previously been paid in connection with the earlier appeal, and therefore are still applicable to the reinstatement of the appeal, and no additional fees are due at this time.

Submitted by,

Steven H. Noll

(Reg. 28,982)

SCHIFF, HARDIN & WAITE
CUSTOMER NO. 26574

Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicants.



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 27, 2003.

Steven H. Noll

STEVEN H. NOLL

CH1\ 4048699.1

RECEIVED
SEP 09 2003
GROUP 3600



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

#12
9-12-03

APPELLANTS: Baum et al. CONFIRMATION NO. 4964
SERIAL NO.: 09/394,840 GROUP ART UNIT: 3621
FILED: September 13, 1999 EXAMINER: C. Sherr
TITLE: "METHOD FOR DATA INPUT INTO A SERVICE DEVICE AND
ARRANGEMENT FOR THE IMPLEMENTATION OF THE
METHOD"

Assistant Commissioner for Patents,
Washington, D.C. 20231

RECEIVED

SEP 09 2003

APPELLANTS' SUPPLEMENTAL APPEAL BRIEF

GROUP 3600

S I R:

Pursuant to 37 C.F.R. §1.192, Appellants herewith submit their main brief in the appeal of the above-referenced application.

REAL PARTY IN INTEREST:

The real party in interest is the assignee of the application, Francotyp-Postalia AG & Co. KG, a German corporation.

RELATED APPEALS AND INTERFERENCES:

There are no related appeals and no related interferences.

STATUS OF CLAIMS:

Claims 1-20 are on appeal, and constitute all of the original claims of the application. No claim has been cancelled during prosecution.

STATUS OF AMENDMENTS:

This application was finally rejected in an Office Action dated November 8, 2002. No Amendment was filed following this final rejection, however, a Notice of Appeal was filed on January 16, 2003 and an Appeal Brief was filed on March 14,

2003. Prosecution was thereafter re-opened in an Office Action dated June 5, 2003. No amendment has been filed following the June 5, 2003 Office Action, and Appellants have reinstated the appeal.

SUMMARY OF THE INVENTION:

The method and apparatus which are the subject of the claims on appeal are for use in the context of postage meters, or postage calculating scales, which communicate with a data center remote therefrom. In general, when a postage meter or postage calculating scale (generically referred to as a service device) is in need of service data, such as an updated postage rate table, the service device communicates a status report to the data center which describes the current memory occupancy by current service data in the memory of the service device. This status report is analyzed at the data center and, depending on this analysis, the data center provides recommendations to the service device with regard to a future status of the memory occupancy in the service device. After communication of these recommendations to the service device, the service device undertakes a feasibility check as to the recommendations, and the service data are loaded from the data center into the service device according to one of these recommendations.

The embodiment relating to a postage meter is shown in Figure 1 and the embodiment relating to a postage calculating scale is shown in Figure 5. Although the two embodiments obviously have different internal components, the communication with the data center, as set forth in the claims on appeal is substantially the same in both embodiments. In order to avoid duplication, therefore, only the embodiment relating to the postage meter will be described in detail herein.

Figure 1 shows a block circuit diagram of the inventive postage meter machine with a printer module 1 for a fully electronically generated franking image, with at least one input unit 2 having a number of actuation elements (such as a keyboard), a display unit 3, a modem 23 producing communication with a data center DZ. (p.10, l.20-23) A further input unit 21 or a scale 22 are coupled to a control unit 6 via an input/output control module 4. (p.10, l.23 - p.11, l.1) The postage meter machine contains non-volatile memories 5a, 5b, 9, 10 and 11, which include the variable and constant parts of the franking format, and/or programs for processing the data in conjunction with the mail carrier or service that the carrier is to provide. (p.11, l.2-5) In addition to a microprocessor μP , the control unit 6 in further embodiments can also contain a separate postage calculator 17 and further components such as an application-specific integrated circuit ASIC for communication with sensors and actuators of the machine base, a security module SiMo and other means for improving the data security. (p.11, l.5-10)

For example, postage fee schedule tables can be stored within the non-volatile memory 5a. The postage fee schedule tables can be separately stored in a non-volatile memory 16 (shown with broken lines). The fee schedule table which will be valid in the future is stored in the memory area 16-01 accordingly established therefor and the currently valid fee schedule table is correspondingly stored in the separately provided memory area 16-02. The appertaining conversion date is stored in a third area 16-03 of the non-volatile memory 16. (p.12, l.11-20) Information in a fourth memory area 16-04 for such new postage fee schedule tables available in the data center is, for example, in the form of a carrier-associated order number or version number. (p.12, l.20-22) The available memory capacity in the non-volatile

memory amounts, for example, to 20 kBytes and is optimally used by a spacesaving memory management. The non-volatile fee schedule memory is preferably a battery-supported C-MOS-RAM module. (p.12, l.22 - p. 13, l.2)

The data center DZ has modems 33 that are connected to a server 32 that accesses a data bank 31 when a corresponding request is received. Given on demand actuation of a key of the input unit 2, or by the operation of some other suitable input unit 21 of the postage meter machine, or time-controlled by the calendar module 8 that forms a trigger circuit, a load instruction is generated that triggers the loading of the fee schedule table data. The microprocessor μ P can be programmed so that service data that only constitute parts of a table (patches) are loaded from the data center DZ. The microprocessor μ P can then communicate the request data by modem 23 via a communication network to the modem 33 of the data center DZ. Alternatively, transmission/reception devices can be utilized in order to communicate request data by radio, or a digital communication network can be used. (p.13, l.3-13)

Figure 2 shows a flowchart for a postage meter machine according to Figure 1, whereby a loading for a postage meter machine being operated ensues separately from a conversion. (p. 13, l.14-16) After the postage meter machine is turned on in start step 100 and after executing a start and initialization routine 101, the point s of the system routine 200 is reached. (p. 13, l.16-18) The postage meter machine has now been placed in operation and is in its normal operating mode that is also called normal mode. In a first step 201, non-volatilely stored input data are called for setting the postage meter machine. (p. 13, l.18-21) If the postage meter machine was set during the initialization routine 101 to collaborate with an activated scale,

then a serial interface to the scale is selected in the first step 201 in order to receive at least one communicated weight value. (p. 13, I.21 p.14, I.1) The input unit 2 allows a number of further inputs for modifying the settings. For example, given actuation of a key 19 of the input unit 2, a load instruction is directly entered. Alternatively, a code can be entered with keys 20, this being acknowledged with a key 18 in order to generate a load instruction later (possibly periodically). The input/display routine 209 contains a number of interrogation steps, only a single interrogation step 209-60 thereof being shown. This step 209-60 interrogates for the presence of a load instruction. (p.14, I.1-7) When such an input is recognized, a branch is made to sub-step 209-61 in order to set a communication requirement flag (E-flag), and then to reset the load instruction. If no (renewed) such input was recognized, a branch is made to the point e, possibly via further interrogation steps. In the communication mode 300, a check is made to determine whether an E-flag was set, and if so an automatically sequencing electronic communication with the data center DZ is triggered. (p.14, I.7-13)

In the communication mode 300, the requesting postage meter machine identifies itself at the data center DZ with its identification number (ID). (p.14, I.14-15) If the service device that requires the service data is a separate postage computer, the service device also informs the data center DZ of its identity TYP. The type (table type) of desired service data is likewise communicated ("rate table"). In the framework of a report (status report) about the status of the service data, the version number of the previous postage fee schedule table is communicated. (p.14, I.15-20) This allows an analysis in the data center DZ as to whether and to what extent operation was hitherto carried out with valid tables. (p.14, I.20-22) The locating of

the new postage fee schedule tables in the data bank DB 31 of the data center DZ is also simplified by having this information. (p.14, I.22-23) Each postage fee schedule table has a release order number allocated to it, which is compared to that communicated in order to identify the release or order number of the postage fee schedule table to be loaded in the future. (p.14, I.23 - p.14, I.13) A unique name or mark stored, as information in the fourth memory area (16-04) can alternatively identify the new service data. The server 32 is programmed for checking inter alia for a load instruction, as explained in detail below with reference to Figure 3. The postage fee schedule table data are preferably initially intermediately stored in the memory area 7d of the volatile main memory 7 of the postage meter machine in order to enable a check. (p.15, I.3-8)

If service data were communicated and intermediately stored in the main memory area 7d as a result of the communication, then this is recognized in the following interrogation step 211 and a branch is made to the evaluation mode 213. It is not only possible in the evaluation mode to check the correctness of the communication and validity of the new service data, but also further checks or statistical acquisitions can be realized. (p.15, I.9-14) It can be optionally provided to check the updating requirement of service data in the evaluation mode and to update the service data if necessary. The result of this check is displayed in the display mode 215 before a branch is made back to the point s of the system routine. When the result of this check was positive, for example, a U-flag for mode switching is set for a following updating. In the interrogation step 202, a check can be made, for example with reference to the set U-flag, as to whether service data are to be loaded into the non-volatile memory 16. (p.15, I.14-20) In step 203, a number of sub-steps

then ensue for mode switching and for loading the service data into the non-volatile memory 16. (p.15, l.21-22) The U-flag for mode switching is then in turn reset in a terminating sub-step before a branch is made back to point s of the system routine. (p.15, l.22 - p. 16, l.2)

If, however, the result of this check was negative, then a branch is made to the next step, for example to the interrogation step 204. In the interrogation step 204, an inquiry is made as to whether a data transmission ensued from the scale 22. If no weight value from the scale 22 is identified and transmitted to the postage meter machine, then this is determined in interrogation step 204 and a branch is then made back to point s of the system routine 200. (p.16, 3-8) The postage meter machine thus waits for an input from the scale 22. When this input ensues, a handshake signal is sent to the scale 22 in the step 205 and a branch is then made to step 206 in order to check whether a conversion is required, particularly on the basis of a stored conversion date and the current date in step 207. Given a requirement for a conversion, a branch is made to step 208 in order to implement an updating of the service data in the memory areas of the non-volatile memory 16. A branch is then made back to the point s of the system routine. (p.16, 8-15) Otherwise, the point t of the system routine 200 is reached. The input/display routine 209 contains a number of interrogation steps, each thereof being individually interrogated. If no further inputs are present, the step 300 is executed without communication. When no further data were communicated, this being identified via the interrogation step 211, the point b of the system routine 200 is reached. (p.16, 15-20)

The flowchart of the communication mode for a service device and the corresponding executive sequences in the data center are explained with reference to Figure 3. The service device is started in step 100 and a number of steps are processed, these already having been explained with reference to Figure 2. During the framework of an input routine 209, a check ensues as to the presence of a load instruction in order to start a communication on demand. (p. 18, l.17-22) The communication in the communication mode 300 comprises at least a first transaction and a second transaction, which entail a number of sub-steps. (p.18, l.22 - p.19, l.2)

The first transaction 320 begins with the communication of the identification ID of the service device in a first commencement sub-step. The ID is, for example, the postage meter machine serial number. Optionally with the ID, the machine type of the calling service device, the ISO country code, a service ID and a release of the transmission protocol can be communicated. The service ID describes the domain of the requested service, for example postage fee schedule table, or slogan and/or cryptolink reloading service. (p.19, l.3-9) The release information, designated RELEASE, describes the current technical status of the transmission protocol. In a second commencement sub-step, at least the type of the transmission is communicated in order to make it clear what service data are to be loaded. Further, specific messages can be communicated in addition to the type of transaction: type and ID of the destination machine that uses the service data, for example whether it is a postage computer or a postage-calculating scale. A description of the service software of the destination machine and the capabilities thereof with respect to the loading optionally ensue. (p.19, l.9-16)

The microprocessor μ P of the service device forms the aforementioned status report during the first transaction. Corresponding to a program stored in the program memory 11, a list having a table of contents of the memory occupancy is produced corresponding to the requirements for the service device. (p.19, l.17-20) In particular, it is possible for the service device to store the postage fee schedule tables in compressed form in a memory area and to retrieve and decompress (expand) each table only when needed. (p.19, l.20-22) Alternatively, postage fee schedule tables can be stored already expanded or stored in INTEL-HEX format. In addition to information that describe the size of the available memory capacity, the total number of existing memory areas for the corresponding service, the data formats and patches (INTEL-HEX format) and memory size of the service data, also brief descriptions of the service data, or particulars about the content are described in this table of contents. (p.19, l.23 - p.20, l.5) Each postage fee schedule table of a carrier has a carrier name, or a carrier ID, as a part thereof and has a version number, a revision number and a validity date. The latter identifies the validity beginning with a predetermined date. The combination of version and revision number is referred to as the release. In a third sub-step of the first transaction 320 the aforementioned forming and sending of the status report STATUS to a specific server 32 of the data center takes place. In a sub-step of the step 420 and with a survey of the new service data offered by at least one of the carriers in step 410, the server 32 implements an analysis of the communicated status report and forms recommendations as a result of the analysis. (p.20, l.5-14) For each stored service table, the type thereof, the ID of the table memory and the recommended operation are communicated, for example the recommendation may be that the appertaining

table is valid and should be retained. Alternative operations are a replacement of individual table sections or service data by patches, a deletion without replacement or, if a replacement is needed, changing the table. (p. 20, l.14-18)

As an analysis result having only a few bytes and/or in the form of an amended list of possible modifications, the recommendations are communicated to the service device in a message designated MESSAGE. (p. 20, l.18-20) The form of the list is retained in the latter instance, however, it can differ in form at different service devices. (p. 20, l.20-21) The list only contains particulars for possible memory occupancy with current service data and service data taking effect in the future but does not contain the service data set itself, this being communicated only latter in a following, second transaction 330, 430. (p. 20, l. 21 - p. 21, l. 2)

A simple example for a service device is explained with reference to Figure 6, which shows a service data memory with free memory locations. The status report is a message from the service device about, for example, three memory modules I, II, III and the memory occupancy or, respectively, about memory locations $A = 2K$, $B = 4K$, $C = 1K$ that are still free. A first memory area 16-01 can be defined as proceeding beyond a memory module I or II. The server has data blocks having the size $D = 3K$, $E = 1K$, $F = 0K$ for new service data. The status report from the service device arrives and is analyzed in the server.

$A < D, A > E, A > F;$

$B > D, B > E, B > F;$

$C < D, C < E, C > F.$

Due to $B > D > A, C$, there is only a single possibility for a data block D, namely to load it into the memory location B that is still free. For logic reasons, the analysis in the present example yields two further recommendations (path 1, path 2) for the service device:

Path 1: load data block E into memory module I, erase memory module III;

Path 2: load data block E into memory module III, erase memory module I.

(p.21, l.3-19)

Although a memory area of the same size as required for data block E is present for C, it can be most meaningful according to the further recommendation for a specific device type to load the data block E into the memory module I that has more free memory capacity. (p. 21, l.20-23) Since the memory module III contains non-current data sets that will soon no longer be required, the service device can erase these sets. The content of the recommendations is dependent on the nature and currentness of the service data and on the device type of the service device. The following recommendations for the service device are also possible for other service data when the access to old data that are still current should be maintained in memory module I or III:

1. Load data block D into memory module II, load data block E into memory module I, do not erase memory module III;
2. Load data block D into memory II, load data block E into memory III, do not erase memory I.

For a case wherein no current data are to be loaded it is also possible that corresponding recommendations are communicated to the service device. Usually,

however, there are modifications when the loading is initiated, so that the recommendations cover a number of proposals. (p.22, l.10-13)

The list of possible modifications covers a number of proposals, whereby the most meaningful proposal is listed first in conformity with the invention. Type, format, number of bytes to be transmitted, size of the data file after expansion or after the patch, a description of the new table or service data by RELEASE, and ID of the destination memory for the table or, respectively, service data are indicated for every proposal. (p.22, l.14-19) When the modification of the table was initiated by the carrier, the previous version number is incremented for the new table. (p.22, l.19-23) The revision number is always incremented when an amendment of an already released table is required for internal reasons (for example, bug fix). The RELEASE information is a component of the postage fee schedule table. (p.22, l.23 - p.23, l.3) If service data were correspondingly offered in the first step 410, the new table must be taken into consideration when forming the recommendations for a postage fee table loading if the user is to make use of the service of the appertaining mail carrier. If a service device has a number of releases of a table stored, the validity date thereof preceding the current date, then the table having the highest release number must be employed. Tables having lower release numbers therefore can be erased. The postage tables can be present in various formats from which the number of bytes to be transmitted, or the data file size, are determined, the service device being informed thereof. (p. 23, l.3-8)

In a fourth sub-step of the first transaction 320, the communicated recommendations are received and interpreted in the service device in order to make a corresponding memory area available, or in order to select a free memory area.

During the evaluation in the aforementioned fourth sub-step, a selection of one of the recommended tables occurs in the service device (client). For the following download section, the client requires the description of a table (or tables), that the server is to send in the second transaction. (p. 23, I.9-15)

The following scenarios are possible:

1. The client selects from the recommendations received in the previous section. Different service devices are thereby possible as client, i.e. those that make a user input necessary or wherein the selection ensues automatically.
2. The client wishes to re-assume an aborted download, i.e. the client knows what table was loaded when the abort ensued and knows what part of the data already loaded are valid and knows the offset for the re-assumption of loading.
3. The client explicitly requests a table (interaction with the user necessary).

ISSUES:

The sole issue on appeal is whether the subject matter of claims 1-20 is anticipated under 35 U.S.C. §102(b) by United States Patent No. 5,737,426 (Brookner et al.).

GROUPING OF CLAIMS:

The patentability of claims 1-20 stands or falls together.

ARGUMENT:

First, as a general argument applicable to all claims, Appellants submit the Examiner has failed to satisfy the procedural criteria for establishing a *prima facie* case of anticipation. In each of the first Office Action and the final rejection and the June 5, 2003 Office Action wherein prosecution was re-opened, the Examiner has merely copied the claim language and provided citations to the relied-upon

references, but has made no effort to correlate the cited passages in those references to the actual claim language, and in most instances there is virtually no resemblance whatsoever between the reference passage cited by the Examiner and the claim language of the present application. In the June 5, 2003 Office Action, the Examiner merely copied the language of independent claims 1 and 11 and made a general citation to the entirety of the "SUMMARY OF THE INVENTION" section of the Brookner et al. reference. Simply providing such citations with no further explanation is not a proper basis for substantiating a rejection under 35 U.S.C. §102(b).

In order to support an anticipation rejection under 35 U.S.C. §102(b), it is necessary that the relied-upon reference expressly or inherently disclose all of the elements of a patent claim as arranged and operating in that claim. A claim is anticipated only if each and every limitation is found either expressly or inherently in a single prior art reference. *Union Carbide Chemicals & Plastics Technology Corp. v. Shell Oil Co.* 64 U.S.P.Q.2d 1546, 1560 (Fed. Cir. 2000); *Bristol Myers-Squibb Co. v. Ben Venue Labs, Inc.*, 246 F.3d 1368, 1374, 58 U.S.P.Q.2d 1508, 1512, (Fed Cir. 2001).

The mere general reference to the entirety of the "SUMMARY OF THE INVENTION" section of the Brookner et al. disclosure does not satisfy this standard. Such a rejection informs neither the Appellants nor the Board of Patent Appeals and Interferences of the specific reasons why the Examiner believes the entirety of the subject matter of claims 1-20 on appeal is expressly or inherently disclosed in Brookner et al. Such an approach on the part of the Examiner is aberrational in the context of conventional practice within the Patent and Trademark Office, and for

good reason. The Appellants and the Board of Patent Appeals and Interferences are left to guess where, if at all, within the "SUMMARY OF THE INVENTION" section of Brookner et al. the subject matter of each and every one of claims 1-20 on appeal is expressly or inherently disclosed. If this appeal is permitted to proceed by the review panel within the Examiner's group, presumably the Examiner's Answer will be more informative, however, this will merely necessitate the filing of a Reply Brief by the Appellant to respond, for the first time, to any sort of detailed substantiation of the claim rejections. If such a detailed substantiation had been instead provided in the June 5, 2003 Office Action, the review panel would have a better idea as to the precise differences of opinion between the Examiner and the Appellants, together with a detailed substantiation thereof. As matters now stand, both the Appellants and the review panel are left only with the general citation of the entirety of the "SUMMARY OF THE INVENTION" section in Brookner et al., and must somehow extract the Examiner's reasoning based on this non-specific citation.

This is identical to the approach that was taken in earlier prosecution, which resulted in the previous appeal being filed. Presumably, when review of the issues and the substantiation thereof was undertaken in connection with the previous appeal, the deficiencies thereof resulted in prosecution being re-opened. No refinement or improvement in the manner by which the present rejection has been presented has occurred, in comparison to the previous, now-withdrawn rejection. As noted above this type of uninformative and unspecific substantiation of an anticipation rejection is uncharacteristic of other groups within the Patent and Trademark Office, and Appellants therefore respectfully submit it is not in accordance with generally-accepted Patent and Trademark Office procedure.

The method of claim 1 of the present application is to allow a data center to transmit service data to a service device after an analysis at the data center of a status report from the service device that informs the data center as to the memory occupancy by the service data in the memory of the service device. Based on this status report, and based on service data available at the data center, the data center provides recommendations to the service device with respect to a future status of the memory occupancy in the service device. These recommendations are communicated from the data center to the service device and, at the service device, a feasibility check is undertaken as to these recommendations. The service data from the data center are then loaded in the service device according to one of the recommendations.

This method therefore allows the data center to be sure that when new service data are transmitted to the service device, the memory occupancy of the service device is sufficient and suitable for storing the new service data. This is accomplished by the data center analyzing the memory occupancy status report received from the service device and making recommendations to the service device. Assuming that at least one of these recommendations is feasible within the service device, the service device then loads the new service data according to that recommendation.

The extensive passage cited by the Examiner in the Brookner et al. reference teaches a postage meter having a bus communication with an external interface unit (EIU). The EIU includes a number of communication ports. The user (operator) calls a data center and makes a request for a feature enable code. The postage meter generates EIU messages in response to the operator's instruction, which is

entered via the keyboard. The EIU is programmed to be responsive to the message (instruction) from the postage meter, so as to enable one or more of the EIU program routines.

In this passage in the Brookner et al. reference, therefore, there is no disclosure or discussion of a communication between a service device and a service center remote therefrom. There is no discussion or disclosure of a data center that receives a status report regarding memory occupancy by service data in the memory of the service device. There is no disclosure or discussion in this passage in Brookner et al. regarding the formulation of recommendations as to a future status of the memory occupancy in the service device being made at the data center based on the status report. There is no discussion or disclosure in this passage in the Brookner et al. reference regarding even the transmission of service data from a remote data center to a service device. There is no disclosure or discussion to load the service data transmitted by the data center into the memory of the service device according to one or more recommendations communicated from the data center to the service device.

All of these method steps or apparatus features are explicitly set forth in independent claims 1 and 11, and therefore the passage cited by the Examiner in Brookner et al. completely fails to disclose all of the elements of those claims as arranged and operating therein. No other portion of the Brookner et al. disclosure provides any details or other description corresponding in any manner to these limitations of the independent claims. Therefore, neither independent claim 1 nor independent claim 11 is anticipated by Brookner et al.

Dependent claims 2-10 add further method steps to the novel method of claim 1, and therefore are not anticipated by Brookner et al. for the same reasons discussed above in connection with claim 1. Similarly, claims 12-20 add further components to the novel combination of independent claim 11, and therefore are not anticipated by Brookner et al. for the same reasons discussed above in connection with claim 11.

CONCLUSION:

For the foregoing reasons, Appellants respectfully submit the Examiner is in error in law and in fact in rejecting claims 1-20 based on the disclosure of Brookner et al.. Reversal this rejection is therefore proper, and the same is respectfully requested.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN & WAITE

CUSTOMER NO. 26574

Patent Department

6600 Sears Tower

233 South Wacker Drive

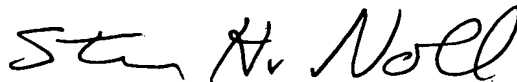
Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Appellants.

CERTIFICATE OF MAILING

I hereby certify that an original and two copies of this correspondence are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on August 27, 2003.



STEVEN H. NOLL

APPENDIX "A"

APPENDIX "A"

1. A method for input of service data into a service device, said service data being available at a data center located remotely from said service device, comprising the steps of:

providing a memory for service data in a service device and forming in said service device, a status report of memory occupancy by said service data in said memory;

establishing a communication between said service device and said data center and transmitting said status report from said service device to said data center;

based on said status report and the service data available at said data center, forming recommendations in said data center for a future status of said memory occupancy in said service device;

communicating a message from said data center to said service device containing said recommendations;

upon receipt of said message at said service device, checking said recommendations in said service device for feasibility; and

loading said service data available at said data center into said memory of said service device according to one of said recommendations.

2. A method as claimed in claim 1,

wherein the step of providing a memory comprises providing said memory with at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored,

and a second memory area in which currently valid service data are stored, and wherein the step of establishing a communication comprises checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, establishing said communication with said data center;

wherein the step of forming recommendations comprises recommending storage of said service data in at least one of said first memory areas, and wherein the step of checking said recommendations comprises conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas;

and wherein said method further comprises forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in at least one of said first memory areas and transmitting said request data to said data center, and forming an error message if said check indicates non-feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center;

and wherein the step of loading said service data comprises, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and loading said service data, as said new service data, into said one of said first memory areas together with said conversion date; and

automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service data from said one of said first memory areas into said second memory area at said conversion date.

3. A method as claimed in claim 2 wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein the step of forming said request data comprises forming request data including one of said table types and one of said table descriptions, and wherein the step of forming said recommendations at said data center comprises forming said recommendations in a sequence dependent on the table type and table description contained in said request data and wherein the step of conducting a check comprises checking said recommendations for feasibility in an order determined by said sequence and wherein the step of selecting one of said first memory areas comprises selecting one of said first memory areas recommended in a first of said recommendations in said sequence which is found to be feasible, and wherein the step of loading said service data comprises selectively loading, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and wherein the step of automatically updating said service device comprises periodically determining whether a current date precedes, equals or follows said conversion date and automatically updating said service device if said current date equals or follows said conversion date and continuing operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date.

4. A method as claimed in claim 3 wherein the step of providing a memory comprises providing a memory in said service device with a third memory area and wherein the step of loading said service data comprises loading said conversion date into said third memory area and wherein the step of automatically updating said service device comprises providing an electronic calendar module in said service device which continuously emits a signal identifying said current date, and periodically comparing said conversion date in said third memory area with said signal from said calendar module.

5. A method as claimed in claim 3 comprising the additional step of providing a calendar module in said service device which emits a signal identifying said current date, and wherein the step of automatic updating comprises automatically requesting said current date from said calendar module.

6. A method as claimed in claim 3 comprising loading said conversion date into a separate memory area of said memory of said service device, separate from said first memory area.

7. A method as claimed in claim 3 wherein said service data comprise postage fee schedule table data, and comprising the additional steps of:

providing a postage calculator in said service device which calculates a

franking value using said postage fee schedule table data;

providing a further memory area in said memory of said service device;

communicating from said data center to said service device information about

new postage fee schedule table data available at said data center and

making an entry in said further memory area dependent on said information;

generating a load code in said postage calculator and checking if and when said load code has a predetermined relationship to said entry in said further memory area;

switching to a load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists.

8. A method as claimed in claim 7 wherein the step of communicating information comprises communicating information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list.

9. A method as claimed in claim 8 comprising listing a most meaningful proposal first in said list.

10. A method as claimed in claim 1 wherein the step of loading said service data includes compressing said service data.

11. An arrangement for input of service data into a service device, said service data being available at a data center located remotely from said service device, comprising the steps of:

a services device having a memory for service data, a computer which forms a status report of memory occupancy by said service data in said memory;

means for establishing a communication between said service device and said data center and for transmitting said status report from said service device to said data center;

means for forming recommendations in said data center, based on said status report and the service data available at said data center, for a future status of said memory occupancy in said service device;

means for communicating a message from said data center to said service device containing said recommendations;

upon receipt of said message at said service device, said computer checking said recommendations in said service device for feasibility;

said computer loading said service data available at said data center into said memory of said service device according to one of said recommendations; and

means in said service device for triggering updating of said service data in said memory at a time separated from loading of said service data into said memory.

12. An arrangement as claimed in claim 11,

wherein said memory comprises at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored, and a second memory area in which currently valid service data are stored, and wherein said means for establishing a communication comprises means for checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, for establishing said communication with said data center;

wherein said means for forming recommendations comprises means for recommending storage of said service data in at least one of said first memory areas;

wherein said computer checks said recommendations by conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas;

said computer forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in at least one of said first memory areas and transmitting said request data to said data center, and forming an error message if said check indicates non-feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center;

said computer, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and loading said service data, as said new service data, into said one of said first memory areas together with said conversion date; and

said computer automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service data from said one of said first memory areas into said second memory area at said conversion date.

13. An arrangement as claimed in claim 12 wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein said computer forms said request data comprises forming request data including one of said table types and one of said table descriptions, and wherein said means for forming said recommendations at said data center forms said recommendations in a sequence dependent on the table type and table description contained in said request data, and wherein said computer conducts said check by checking said recommendations for feasibility in an order determined by said sequence and selects one of said first memory areas which is recommended in a first of said recommendations in said sequence which is found to be feasible, and selectively loads, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and automatically updates said service device if a current date precedes, equals or follows said conversion date and automatically continues operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date.

14. An arrangement as claimed in claim 13 wherein said memory has a third memory area and wherein said computer loads said conversion date into said third memory area, and said service device comprises an electronic calendar module which continuously emits a signal identifying said current date, said computer periodically comparing said conversion date in said third memory area with said signal from said calendar module.

15. An arrangement as claimed in claim 13 wherein said service device comprises a calendar module which emits a signal identifying said current date, and wherein said computer automatically requests said current date from said calendar module.

16. An arrangement as claimed in claim 13 wherein said computer loads said conversion date into a separate memory area of said memory of said service device, separate from said first memory area.

17. An arrangement as claimed in claim 13 wherein said service data comprise postage fee schedule table data, and said arrangement comprising:

a postage calculator in said service device which calculates a franking value using said postage fee schedule table data;

a further memory area in said memory of said device;

means for communicating from said data center to said service device information about new postage fee schedule table data available at said data center and for making an entry in said further memory area dependent on said information;

said postage calculator generating a load code and checking, and informing said computer, if and when said load code has a predetermined relationship to said entry in said further memory area; and

said computer switching to a load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists.

18. An arrangement as claimed in claim 17 wherein said means for information communicates information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list.

19. An arrangement as claimed in claim 18 wherein said means for communicating information lists a most meaningful proposal first in said list.

20. An arrangement as claimed in claim 11 comprising means compressing said service data.

CHI_DOCS2\ 688027.1